

In the Supreme Court of the State of Alaska

Herbert Darnel Johnson,

Appellant,

v.

Lynn Marie Johnson,

Appellee.

Trial Court Case # **3PA-18-01721CI**

Supreme Court No. **S-17357**

Order for Extension

Date of Order: **7/16/19**

On consideration of appellant's 6/21/19 motion to extend time to file the appellant's brief, and no opposition having been filed,

IT IS ORDERED:

The motion is **GRANTED**. The appellant's opening brief is now due on or before **7/19/19**.

The appeal will be handled on an expedited basis under Appellate Rule 218. A motion to extend a time period referred to in Appellate Rule 218 is not a "routine" motion within the meaning of Rule 503(e). Under Appellate Rule 503.5(c)(2)(3), a party will not be granted further extensions absent a showing of extraordinary circumstances.

Entered at the direction of an individual justice.

Clerk of the Appellate Courts

Mindi Johnson

M. Johnson, Deputy Clerk

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Appellate Rule 503.5 (c)(2)(3)

(c) Non-Routine Extensions of Time by Motion. An extension of time not addressed by subsection (b) must be requested by motion. A party may request an extension of time by motion under paragraph (1) or (2) at any time before the party's brief is due, either originally or as extended.

(2) Motion for Non-Routine Extension Based upon a Showing of Extraordinary and Compelling Circumstances. An extension that would extend the time for filing a brief beyond the time allowed under subsection (b) and paragraph (c)(1) will be granted only upon a showing of extraordinary and compelling circumstances. Along with the requirements stated in paragraph (3), the affidavit accompanying the motion must include a detailed explanation of the extraordinary and compelling circumstances that prevent completion of the brief within the time allowed. Factors the court may consider in determining the existence of extraordinary and compelling circumstances include: the nature and foreseeability of intervening events, pre-existing commitments, the extent of the party's or attorney's control over the circumstances that prevent completion of the brief, the nature of the case, and any prejudice to the parties.

(3) General Requirements. The motion must be filed on or before the due date, and must be accompanied by an affidavit stating: (A) when the brief is due; (B) when the brief was first due and the number and length of previous extensions; (C) the length of the requested extension and requested due date; (D) a detailed explanation of the reason that an extension is necessary; and (E) that the brief will be filed within the time requested. (4) A motion without a compliant affidavit will be rejected by the clerk of court. (5) Motions for non-routine extensions of time will be decided by a single justice or judge.